

REMARKS

The Office action of 23 May 2005 (Paper No. 05162005) has been carefully considered.

Claim 2 is being canceled without prejudice or disclaimer, claims 1, 3, 10, 11 and 17 are being amended, and new claims 21 thru 23 are being added. Thus, claims 1 and 3 thru 23 are pending in the application.

In paragraph 1 of the Office action, the Examiner rejected claims 1 and 2 under 35 U.S.C. §102 for alleged anticipation by Kudo *et al.*, U.S. Patent No. 5,517,243. In paragraph 2 of the Office action, claims 3 thru 20 are objected to for dependency upon a rejected base claim, but the Examiner stated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the reasons stated below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §102 or §103.

Independent claim 1 is being amended to include the recitations from dependent claim 2 and a major portion of dependent claim 3. Thus, independent claim 1 not only recites the details of the diaphragm driving unit from dependent claim 2, but also recites the diaphragm motor as comprising the combination of a rotor, an elastic member, a driving coil, and damping means for preventing damping of the rotor, as recited in dependent claim 3.

It is noted that independent claim 1 does not recite that portion of dependent claim 3 which sets forth the damping means as including a damping coil, a switch connected to the damping coil, and a damping resistance connected to the switch. It is submitted that the detailed recitation of the damping means is not essential to patentability of independent claim 1, as now amended.

In the latter regard, it is respectfully submitted that independent claim 1, as now amended, is distinguishable from the prior art so as to preclude rejection under 35 U.S.C. §102 or §103. Specifically, the prior art does not disclose or suggest a diaphragm driving unit comprising the combination of a diaphragm motor and a diaphragm motor driving unit, as previously recited in claim 2, and does not disclose or suggest a diaphragm motor comprising the combination of a rotor, an elastic member, a driving coil and damping means, as previously recited in claim 3. It is also noted that, in paragraph 2 of the Office action, the Examiner indicated that dependent claim 3 recited patentable subject matter. Accordingly, for that reason, and for the reasons set forth above, it is submitted that independent claim 1 and its associated dependent claims are now in condition for allowance.

In paragraph 2 of the Office action, the Examiner indicated that dependent claims 10, 11 and 17 each recited allowable subject matter, and were merely objected to for dependency upon a rejected base claim. Accordingly, dependent claims 10, 11 and 17 are being amended to appear in independent form, and allowance of independent claims 10 and 11 (as well as associated dependent claims) should now be forthcoming.

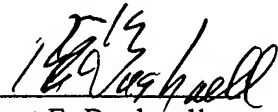
Independent claim 21 and associated dependent claims 22 and 23 are being added to provide additional protection of the invention. Specifically, independent claim 21 comprises a combination of the recitations of original independent claim 1 and original dependent claims 2 and 4 without the recitation of original dependent claim 3. It is respectfully submitted that the invention, as recited in independent claim 21, is distinguishable from the prior art so as to preclude rejection under 35 U.S.C. §102 or §103.

Specifically, the prior art does not disclose or suggest a photographing apparatus comprising the combination of a photoelectric transduction unit, a pulse generation unit, a diaphragm unit, a diaphragm driving unit, and a control unit as recited in original independent claim, wherein the diaphragm driving unit comprises the combination of a diaphragm motor and a diaphragm motor driving unit as recited in original dependent claim 2, and wherein the diaphragm motor driving unit comprises the combination of an input voltage terminal and a voltage conversion unit, wherein the control unit outputs first and second control signals having the characteristics recited in original dependent claim 4, and now recited in new independent claim 21. Thus, allowance of independent claim 21 and associated dependent claims 22 and 23 should now be forthcoming.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

A fee of \$500.00 is incurred by the addition of two (2) independent claims in excess of 3 and two (2) total claims in excess of total 20. Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,


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